
SENATE BILL No. 346

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-25; IC 9-26-1; IC 27-2-22.

Synopsis: Proof of motor vehicle financial responsibility. Provides that certain motor vehicles must display an item that serves as proof of financial responsibility. Makes it a Class C infraction for a vehicle owner to fail to: (1) display the item that proves financial responsibility; or (2) have correct information on the item. Specifies the information that must be on the item. Requires the operator of a motor vehicle involved in an accident to report the accident to the bureau of motor vehicles and the state police, and specifies information to be contained in the report. (Current law requires a report to the state police only.) Provides for a charge of not more than \$1 from an insurer for furnishing an item that serves as proof of financial responsibility.

Effective: July 1, 2005.

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January 11, 2005, read first time and referred to Committee on Rules and Legislative Procedure.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 346

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-25-1-6 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 6. **Except as provided in**
3 **IC 9-25-4-8.5(a)**, this article applies to a person who is not a resident
4 of Indiana under the same conditions as this article applies to a resident
5 of Indiana.
6 SECTION 2. IC 9-25-3-5 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The bureau shall adopt rules
8 under IC 4-22-2 to establish procedures, conditions, and requirements
9 concerning the **demonstration and** filing of proof of financial
10 responsibility necessary to promote and ensure the effective
11 enforcement of this article.
12 (b) The rules must regulate the following:
13 (1) The effective dates and policy periods of proof of financial
14 responsibility.
15 (2) The procedure for cancellation of proof of financial
16 responsibility by the carrier or the insured.
17 (3) The conditions of reinstatement.

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(4) The requirement of a decal or other item required under IC 9-25-4-8.5 for a person who satisfies financial responsibility requirements through a motor vehicle liability policy. The rules adopted under this subdivision must:

(A) establish the proper size and placement of the decal or other item; and

(B) include the requirement that the decal or item contain:

(i) The vehicle identification number of the motor vehicle.

(ii) The date of issuance and expiration of the motor vehicle liability policy.

(iii) The policy number of the motor vehicle liability policy.

(iv) The name, address, and telephone number of the insurer issuing the motor vehicle liability policy.

(5) The manner in which a person who satisfies the financial responsibility requirements with respect to a motor vehicle by:

(A) providing a bond under IC 9-25-4-9;

(B) depositing funds under IC 9-25-4-10; or

(C) being issued a certificate of self-insurance under IC 9-25-4-11;

must demonstrate proof of financial responsibility.

(6) Any other requirement affecting the purposes for which proof of financial responsibility is filed with the bureau.

SECTION 3. IC 9-25-4-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8.5. (a) This section does not apply to the following:

(1) A motor vehicle that:

(A) is registered under IC 9-18-3; and

(B) bears a license plate as provided in IC 9-18-3.

(2) A motor vehicle that is registered in a jurisdiction other than Indiana.

(3) An individual who operates in Indiana a rental motor vehicle that is leased for not more than thirty (30) days.

(b) In addition to the proof that may be provided under section 8 of this chapter, proof that financial responsibility meeting the requirements of this chapter is in effect with respect to a motor vehicle must be demonstrated by a decal or other item:

(1) displayed on the windshield of the motor vehicle, if the motor vehicle has an enclosed driver's compartment; or

(2) carried:

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- 1 (A) by the operator of; or
 2 (B) in;
 3 the motor vehicle;
 4 while the motor vehicle is operated on a public highway in Indiana.
 5 (c) A decal or other item, to satisfy subsection (b), must:
 6 (1) contain the information described in IC 27-2-22-4; or
 7 (2) otherwise demonstrate proof of financial responsibility as
 8 determined under IC 9-25-3-5(b)(5).

9 SECTION 4. IC 9-25-5-2 IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Not more than forty-five (45)
 11 days after the bureau receives a copy of an accident report under
 12 ~~IC 9-26~~, IC 9-26-1, the bureau shall send to each person identified in
 13 the report as an operator of a vehicle involved in the accident a request
 14 for evidence of financial responsibility **as specified** under section 3 of
 15 this chapter, unless the evidence has already been filed with the bureau.

16 (b) **The name and signature of an agent of the insurance**
 17 **company furnished in accordance with IC 9-26-1-2.5(4)(C) is**
 18 **considered evidence filed with the bureau.**

19 (c) The request for evidence of financial responsibility shall be sent
 20 to each person identified in the report as an operator of a vehicle
 21 involved in the accident regardless of fault.

22 SECTION 5. IC 9-25-5-5 IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A person who receives a
 24 request for evidence of financial responsibility under section 3 of this
 25 chapter shall set forth in the certificate of compliance the following
 26 information concerning the form of financial responsibility that was in
 27 effect with respect to the motor vehicle on the date in question:

28 (1) If a motor vehicle liability policy was in effect, the following:

- 29 (A) The name and address of the insurer.
 30 (B) The limits of coverage of the policy.
 31 (C) The identification number applying to the policy.

32 (2) If a bond was in effect, the following:

- 33 (A) The name and address of the bond company or surety.
 34 (B) The face amount of the bond.

35 (3) If self-insurance was in effect under IC 9-25-4-11, the
 36 following:

- 37 (A) The date on which the certificate of self-insurance was
 38 issued by the bureau.
 39 (B) The name of the person to whom the certificate of
 40 self-insurance was issued.

41 (b) A person who requests information or verification of coverage
 42 to complete a certificate of compliance under subsection (a) from:

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(1) an insurance company; or
 (2) an insurance producer;
 is not required to give the company or the producer a reason for requesting the information unless the person has been involved in an accident.

(c) The information set forth in subsection (a) may be provided as a defense in a proceeding to enforce IC 9-25-8-2.5(a) as set forth in IC 9-25-8-6(b).

SECTION 6. IC 9-25-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **Except as provided in section 2.5 of this chapter**, this chapter does not apply to the following:

- (1) Persons who have obtained a certificate of self-insurance under IC 9-25-4-11.
- (2) Operators of government owned vehicles.
- (3) Persons who are exempt under IC 9-25-1-2.
- (4) A resident of another state who is operating a vehicle that is registered in that person's state of residence.

SECTION 7. IC 9-25-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. **(a) A person who is subject to IC 9-25-4-8.5(b) and who operates a motor vehicle on a public highway in Indiana commits a Class C infraction if the decal or other item required to be:**

- (1) displayed on the windshield of the motor vehicle; or**
- (2) carried;**
 - (A) by the operator of; or**
 - (B) in;**
- the motor vehicle;**

is missing or contains false, incorrect, or outdated information concerning the motor vehicle.

(b) Notwithstanding IC 34-28-5-4(c), a judgment of:

- (1) one hundred dollars (\$100) shall be entered for a violation of subsection (a) against the operator of a motor vehicle if the decal or other item is:**
 - (A) missing; or**
 - (B) outdated by less than thirty (30) days;**
- (2) at least one hundred dollars (\$100) but not more than two hundred fifty dollars (\$250) shall be entered for a violation of subsection (a) against the operator of a motor vehicle if the decal or other item contains information outdated by at least thirty (30) days; or**
- (3) five hundred dollars (\$500) shall be entered for a violation**

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1 of subsection (a) against the operator of a motor vehicle if
 2 court finds the information on the decal or other item is false
 3 or incorrect for a reason other than being outdated.

4 SECTION 8. IC 9-25-8-6 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2005]: Sec. 6. (a) Judgment may not be entered against a person
 7 in a proceeding to enforce section 2.5(a) of this chapter if the
 8 person proves by a preponderance of the evidence that financial
 9 responsibility was in effect with respect to the motor vehicle
 10 operated by the person at the time of the alleged violation.

11 (b) A person satisfies the burden of proof set forth in subsection
 12 (a) if the person produces to the issuing officer or to the
 13 headquarters of the issuing officer not later than five (5) days after
 14 the time of the issuance of the information and summons a
 15 certificate of compliance concerning the form of financial
 16 responsibility that was in effect with respect to the motor vehicle
 17 on the date of the alleged violation in the manner provided in
 18 IC 9-25-5-5.

19 SECTION 9. IC 9-26-1-1 IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2005]: Sec. 1. The driver of a vehicle involved
 21 in an accident that results in the injury or death of a person shall do the
 22 following:

23 (1) Immediately stop the vehicle at the scene of the accident or as
 24 close to the accident as possible in a manner that does not
 25 obstruct traffic more than is necessary.

26 (2) Immediately return to and remain at the scene of the accident
 27 until the driver does the following:

28 (A) Gives the driver's name and address and the registration
 29 number of the vehicle the driver was driving.

30 (B) Upon request, exhibits the driver's license of the driver to
 31 the following:

32 (i) The person struck.

33 (ii) The driver or occupant of or person attending each
 34 vehicle involved in the accident.

35 (C) Determines the need for and renders reasonable assistance
 36 to each person injured in the accident, including the removal
 37 or the making of arrangements for the removal of each injured
 38 person to a physician or hospital for medical treatment.

39 (3) Immediately give notice of the accident by the quickest means
 40 of communication to one (1) of the following:

41 (A) The local police department if the accident occurs within
 42 a municipality.

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1 (B) The office of the county sheriff or the nearest state police
2 post if the accident occurs outside a municipality.

3 (4) Within ten (10) days after the accident, forward a written
4 report of the accident to:

5 (A) the state police department; **and**

6 (B) the bureau.

7 SECTION 10. IC 9-26-1-2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The driver of a
9 vehicle involved in an accident that does not result in injury or death
10 of a person but that does result in damage to a vehicle that is driven or
11 attended by a person shall do the following:

12 (1) Immediately stop the vehicle at the scene of the accident or as
13 close to the accident as possible in a manner that does not
14 obstruct traffic more than is necessary.

15 (2) Immediately return to and remain at the scene of the accident
16 until the driver does the following:

17 (A) Gives the driver's name and address and the registration
18 number of the vehicle the driver was driving.

19 (B) Upon request, exhibits the driver's license of the driver to
20 the driver or occupant of or person attending each vehicle
21 involved in the accident.

22 (3) If the accident results in total property damage to an apparent
23 extent of at least one thousand dollars (\$1,000), forward a written
24 report of the accident to:

25 (A) the state police department; **and**

26 (B) the bureau;

27 within ten (10) days after the accident.

28 SECTION 11. IC 9-26-1-2.5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.5. Only the following
30 must be included in the written report prepared under sections 1(4) and
31 2(3) of this chapter by the driver of a motor vehicle involved in an
32 accident:

33 (1) The name and address of the driver preparing the report.

34 (2) The date of the accident.

35 (3) The names and addresses of the drivers of the other vehicles
36 involved in the accident.

37 (4) If, on the date of the accident, a motor vehicle liability policy
38 was in effect with respect to the motor vehicle driven by the
39 driver preparing the report, the following:

40 (A) The policy number.

41 (B) The name of the insurance company that issued the policy.

42 (C) The name and signature of an agent of the insurance

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company, along with the date that the policy period or term began and is scheduled to end. By signing the report, the agent verifies that the policy was in effect with respect to the motor vehicle on the date of the accident.

(D) The telephone number of the agent or the company represented by the agent.

SECTION 12. IC 27-2-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 22. Proof of Motor Vehicle Insurance Coverage

Sec. 1. As used in this chapter, "minimum amounts of financial responsibility" refers to the amounts set forth in IC 9-25-4-5.

Sec. 2. (a) As used in this chapter, "motor vehicle policy" means a policy providing one (1) or more of the kinds of insurance described in IC 27-1-5-1, Class 2(f) and Class 3(d).

(b) The term includes a commercial motor vehicle insurance policy or a policy intended to cover a vehicle that is owned by a business firm and used for business purposes.

Sec. 3. An insurer that issues a motor vehicle policy:

(1) in Indiana; or

(2) for delivery in Indiana;

shall provide to the insured a decal or other item if the motor vehicle policy has been issued for at least the minimum amount of financial responsibility.

Sec. 4. The decal or other item required by section 3 of this chapter must bear the following:

(1) The vehicle identification number of the motor vehicle.

(2) The date of issuance and expiration of the motor vehicle policy.

(3) The policy number of the motor vehicle policy.

(4) The name, address, and telephone number of the insurer issuing the motor vehicle policy.

Sec. 5. A motor vehicle policy that is issued:

(1) in Indiana; or

(2) for delivery in Indiana;

may contain a provision for a service charge of not more than one dollar (\$1) for the issuance of a decal or other item as provided in section 3 of this chapter for each motor vehicle covered under the motor vehicle policy.

SECTION 13. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding IC 9-25-3-5, as amended by this act, the bureau of motor vehicles shall carry out the duties imposed on the bureau under IC 9-25-3-5**

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1 under interim written guidelines approved by the commissioner of
2 the bureau of motor vehicles.

3 (b) This SECTION expires on the earlier of the following:

4 (1) The date rules are adopted under IC 9-25-3-5(b)(4) and
5 IC 9-25-3-5(b)(5), both as added by this act.

6 (2) December 31, 2006.

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